

Latham, John

To: Latham, John
Subject: Question re DP

-----Original Message-----

From: Kovner, Karissa
Sent: Thursday, March 4, 2021 9:16 AM
To: pamela@akaction.org
Subject: RE: Question re DP

Hi,

So here is the chronology, which I think may help you a little bit (and you can then parse out the information a little better from the collection of documents you found from the HPV Challenge Program that is included in ChemView).

OxyChem submitted data for DP in 2004 as part of the HPV program, and suggested that further testing could be done. In its 2005 response, EPA said it “reserved judgment” on the adequacy of data on health effects and that additional information was needed (combined repeat dose - repro/developmental toxicity screening test). Comments from Environmental Defense and Physicians’ Committee for Responsible Medicine are also included, which I think you saw. In 2006, OxyChem submitted its test plan to EPA for the additional testing that was noted in EPA’s 2005 response that had “reserved judgment.” OxyChem then did the study in 2008 and submitted the results to EPA in 2009 – no toxicity was observed at any dose level. OxyChem stated that it considered its HPV commitment complete.

You mentioned these 2009 study results in your message and noted that EPA found deficiencies in the data, but the letter where EPA reserved judgment on the adequacy of the data was in response to OxyChem’s initial data submitted in 2004. The first page of the attachment includes a table of contents with the dates of the various documents included in the file – and it links to those documents so you don’t have to scroll through. Hopefully this chronology, plus the only recent information we have that I sent you when you first asked about how DP was put on the original TSCA Inventory, is subject to the Chemical Data Reporting Rule, and that production was reported in the last two CDR submission periods (covering calendar years 2011-2015), but were claimed as CBI helps you.

Thanks,
Karissa

-----Original Message-----

From: Kovner, Karissa
Sent: Sunday, February 28, 2021 4:56 PM
To: pamela@akaction.org
Subject: Re: Question re DP

We’d be happy to walk you through our EPA/USG assessment, both in terms of Convention criteria and the substance. That’s much easier than digging for old reviews?

Best,
Karissa
EPA mobile: (202)365-7838

> On Feb 28, 2021, at 3:53 PM, Pamela Miller <pamela@akaction.org> wrote:
>
> Thanks, I appreciate it.
> I am also trying to understand EPA's rationale that the proposal to advance DP should be set aside because of insufficient information on adverse effects. Would you please provide me with the critiques of the individual studies in question and also why the overall body of evidence concerning adverse effects, given the requirement in Article 8 that: "Lack of full scientific certainty shall not prevent the proposal from proceeding."
> Pam
>
> -----Original Message-----
> From: Kovner, Karissa <Kovner.Karissa@epa.gov>
> Sent: Sunday, February 28, 2021 12:46 PM
> To: Pamela Miller <pamela@akaction.org>
> Subject: Re: Question re DP
>
> I can ask again, but no one seems to think so. I'll be back in the office Tuesday afternoon and will see if there is someone else that can somehow find a different answer.
>
> Best,
> Karissa
> EPA mobile: (202)365-7838
>
>> On Feb 28, 2021, at 3:33 PM, Pamela Miller <pamela@akaction.org> wrote:
>>
>> Hi Karissa,
>> I'm just trying to find out if EPA requested any additional data/studies after 2008? If not, why, especially if evaluation was considered "rather reserved pending further submission of information." Is there someone involved more closely in assessing adverse effects of DP that you might refer me to? It seems so wrong that this chemical has been on the market for decades and yet so little information on ecological and human health effects.
>> Thanks again,
>> Pam
>>
>> Pamela Miller, she/her/hers
>> IPEN Co-Chair
>> (<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ipen.org%2F&data=04%7C01%7CKovner.Karissa%40epa.gov%7C1c5f016a850>)
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>> 1225 East International Airport Rd. Suite 220, Anchorage, Alaska
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>> Please donate to support environmental health and justice. Join in support of our work!
>> We believe that everyone has the right to clean air, clean water, and toxic-free food.
>>
>> We acknowledge that our offices are located on the ancestral and unceded traditional territories of the Dena'ina Peoples. The Indigenous peoples of this land never surrendered lands or resources to Russia or the United States.
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>>
>> -----Original Message-----
>> From: Kovner, Karissa <Kovner.Karissa@epa.gov>
>> Sent: Saturday, February 27, 2021 10:08 PM
>> To: Pamela Miller <pamela@akaction.org>
>> Subject: Re: Question re DP
>>
>> Hi,
>>
>> As I mentioned in my first email before the POPRC, the most recent information I know is that production was reported in the last two CDR submission periods (covering calendar years 2011-2015), but were claimed as CBI. So I can't disclose any production volumes and I can't confirm information about any particular company because it's CBI — and it's not that I know and just won't/can't tell, I don't even see the data myself.
>>
>> Looking at Oscar's reply to the submission, it's not clear to me that the Agency considered it "deficient", but rather reserved on some issues pending further submission of information. I'm not familiar enough with the process to know how standard such requests for further information were at the time. I can ask around to see who might know.
>>
>> But it's all so old, not sure it's really of much value at this point?
>>
>> Karissa
>> EPA mobile: (202)365-7838
>>
>>> On Feb 28, 2021, at 1:51 AM, Pamela Miller <pamela@akaction.org> wrote:
>>>
>>> Hi Karissa,
>>> I found this in ChemView/CDR. It looks as though the most recent information from Oxychem to EPA was in 2008. Is there anything more recent? It does look as though EPA reviewers found deficiencies in the data reported. Any additional information would be helpful.
>>> Thanks,
>>> Pam
>>>
>>> Pamela Miller, she/her/hers
>>> IPEN Co-Chair
>>> (<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ipen.org%2F&data=04%7C01%7CKovner.Karissa%40epa.gov%7C1c5f016a8>

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>>> We believe that everyone has the right to clean air, clean water, and toxic-free food.

>>>

>>> We acknowledge that our offices are located on the ancestral and unceded traditional territories of the Dena'ina Peoples. The Indigenous peoples of this land never surrendered lands or resources to Russia or the United States.

>>>

>>>

>>> From: Kovner, Karissa <Kovner.Karissa@epa.gov>

>>> Sent: Thursday, February 18, 2021 7:37 PM

>>> To: Pamela Miller <pamela@akaction.org>

>>> Subject: Re: Question re DP

>>>

>>> Hi,

>>>

>>> Sorry, I did check and it is CBI. I can't even find out for myself.

>>>

>>> I also don't have any toxicological info on DP from industry. Did we mistakenly suggest we did? Our EPA internal toxicologists reviewed the POPRC papers and gave us their assessment based on the Convention. I don't even know who the "industry" is in the United States.

>>>

>>> To answer your other questions, DP was on the original TSCA Inventory, so I don't think any formal assessment of DP has been done under TSCA.

>>>

>>> Hope this helps.

>>>

>>> Best,

>>> Karissa

>>> EPA mobile: (202)365-7838

>>>

>>>

>>> On Feb 18, 2021, at 6:51 PM, Pamela Miller <pamela@akaction.org<mailto:pamela@akaction.org>> wrote:

>>>

>>> Hello Karissa,

>>> I hope that you are well.

>>> I am wondering whether you were able to find out any information on DP production in the U.S.? Also, I am curious about any toxicological data that EPA may have received from industry on DP. It seems that there should be more information that EPA could have provided on adverse effects of DP, given that it has been in production for decades now in the U.S. Has EPA requested information on adverse effects and if so, how can these data/studies be made available for public review?

>>> Thank you for any information that you can provide or if there is someone else there that I should talk with about this.

>>> Best regards,

>>> Pam

>>>

>>> Pamela Miller

>>> IPEN Co-Chair

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>>> A
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>>> D | Xg%2BG86WXkyMWS29iAbqbes7NM5jlodPjN5PIPs%3D&reserved=0>
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>>> We believe that everyone has the right to clean air, clean water, and toxic-free food.
>>>
>>>
>>>
>>> From: Kovner, Karissa
>>> <Kovner.Karissa@epa.gov<mailto:Kovner.Karissa@epa.gov>>
>>> Sent: Saturday, January 9, 2021 7:39 PM
>>> To: Pamela Miller <pamela@akaction.org<mailto:pamela@akaction.org>>
>>> Subject: Re: Question re DP
>>>
>>> There are lots of CBI categories, but the most common one is that if there are a small number of producers (I believe the rule is five or fewer), thereby allowing competitors to figure out production numbers by virtue of knowing their own and having a sense of the others, it's CBI. I believe it's all CBI even if only 1 of the 5 or under asks for it, maybe even automatically if it's fewer than five. I forget the exact way it works.
>>> Best,
>>> Karissa
>>> EPA mobile: (202)365-7838
>>>
>>>
>>>
>>> On Jan 9, 2021, at 11:01 PM, Pamela Miller <pamela@akaction.org<mailto:pamela@akaction.org>> wrote:
>>>
>>> OK thanks. Although I am curious as to why production volumes are CBI?
>>> I was reviewing the Risk Profile and they included this ECHA reference: "Production at the Oxychem facility ceased in mid-2016 (ECHA, 2020a)." Oxychem superceded the infamous Hooker Chemical of Love Canal fame.
>>> You are working at a late hour!
>>> Thanks again,
>>> Pam
>>>
>>> Pamela Miller, she/her/hers
>>> IPEN Co-Chair
>>> (<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ipen.org%2F&data=04%7C01%7CKovner.Karissa%40epa.gov%7C1c5f016a8>)
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>>> xXWWU52%2FShiVljOHavy4AqaV9TuLSak%3D&reserved=0>) and Executive
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>>> 1225 East International Airport Rd. Suite 220, Anchorage, Alaska
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donate<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnpo1.networkforgood.org%2FDone%2FDonate.aspx%3FnpoSubscriptionId%3D6846&data=04%7C01%7CLatham.John%40epa.gov%7C6b9e09cbd3814e9723bf08d95e1650e2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637644272243115013%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=WhMMkpPdppI5Xfst9lr%2FmO%2Bjk2iQLg8SmwJMPxIHFGM%3D&reserved=0> to support environmental health and justice. Join in support of our work!
>>> We believe that everyone has the right to clean air, clean water, and toxic-free food.
>>>
>>> We acknowledge that our offices are located on the ancestral and unceded traditional territories of the Dena'ina Peoples. The Indigenous peoples of this land never surrendered lands or resources to Russia or the United States.
>>>
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>>>
>>> From: Kovner, Karissa
>>> <Kovner.Karissa@epa.gov<mailto:Kovner.Karissa@epa.gov>>
>>> Sent: Saturday, January 09, 2021 6:52 PM
>>> To: Pamela Miller <pamela@akaction.org<mailto:pamela@akaction.org>>
>>> Subject: Re: Question re DP
>>>
>>> It's on the TSCA Inventory and subject to the Chemical Data Reporting Rule, which requires manufacturers and importers to provide U.S. EPA with production, import and use volumes, as well as other relevant information. Production was reported in the last two CDR submission periods (covering calendar years 2011-2015), but were claimed as CBI. So I can't disclose any production volumes — and I don't have access to the files anyway. What I don't know is what I can confirm about whether companies may or may not be reporting. I honestly don't know anything about the company you're referencing nor the rules, so I'll have to ask next week?
>>> Best,
>>> Karissa
>>> EPA mobile: (202)365-7838
>>>
>>>
>>>
>>>

>>> On Jan 9, 2021, at 10:23 PM, Pamela Miller <pamela@akaction.org<mailto:pamela@akaction.org>> wrote:
>>
>> Hello Karissa,
>> Are you able to confirm that production of DP at the Oxychem facility ceased in mid-2016?
>> Thanks,
>> Pam
>>
>> Pamela Miller, she/her/hers
>> IPEN Co-Chair
>> (<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ipen.org%2F&data=04%7C01%7CKovner.Karissa%40epa.gov%7C1c5f016a8>)
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>> 8HFWKlqito9avmuCTybwZu11zwqY9aw%3D&reserved=0>) and Executive
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>> 1225 East International Airport Rd. Suite 220, Anchorage, Alaska
>> 99518 Phone (907) 222-7714; Fax (907) 222-7715

>>> wZV%2Fwc%2BH1ekNcDOmLxoo1Fgfy%2B2XBZAGSs%3D&reserved=0<[https://networkforgood.org/Donate%2FFDonate.aspx%3FnpoSubscriptionId%3D6846&data=04%7C01%7CLatham.John%40epa.gov%7C6b9e09cbd3814e9723bf08d95e1650e2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637644272243115013%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6Ik1haWwiLCJXCI6Mn0%3D%7C1000&sdata=bEb](https://gcc02.safelinks.protection.outlook.com/?url=https://networkforgood.org/Donate%2FFDonate.aspx%3FnpoSubscriptionId%3D6846&data=04%7C01%7CLatham.John%40epa.gov%7C6b9e09cbd3814e9723bf08d95e1650e2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637644272243115013%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6Ik1haWwiLCJXCI6Mn0%3D%7C1000&sdata=bEb)>
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donate<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnpo1.networkforgood.org%2FDone%2FFDone.aspx%3FnpoSubscriptionId%3D6846&data=04%7C01%7CLatham.John%40epa.gov%7C6b9e09cbd3814e9723bf08d95e1650e2%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637644272243115013%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6Ik1haWwiLCJXCI6Mn0%3D%7C1000&sdata=WhMMkpPdppi5Xfst9lr%2FmO%2Bjk2iQLg8SmwJMPxIHFGM%3D&reserved=0>> to support environmental health and justice. Join in support of our work!
>>> We believe that everyone has the right to clean air, clean water, and toxic-free food.
>>>
>>> We acknowledge that our offices are located on the ancestral and unceded traditional territories of the Dena'ina Peoples. The Indigenous peoples of this land never surrendered lands or resources to Russia or the United States.